

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THOMAS AND GERI MCKINNON,

Plaintiff,

vs.

INDYMAC BANK, F.S.B., et al.,

Defendants.

Case No. 2:11-cv-00607- KJD- GWF

**ORDER**

Randolf Law Firm's Motion to  
Withdraw as Counsel (#23)

This matter comes before the Court on Randolph Law Firm's Motion to Withdraw as Counsel (#23), filed on October 26, 2011; Errata to Randolph Law Firm's Motion to Withdraw as Counsel (#26), filed on October 27, 2011; and Plaintiffs' Response to Randolph Law Firm's Motion to Withdraw as Counsel (#33), filed on November 14, 2011. Randolph Law Firm requests that the Court allow them to withdraw as counsel for Plaintiffs Thomas and Geri McKinnon based upon a substantial disagreement between Plaintiffs and counsel about how to proceed in this matter. In response, Plaintiffs state that they do not object to Randolph Law Firm's withdrawal from their case. Further, Defendants failed to file any response to the motion. The Court therefore grants Randolph Law Firm's motion.

Plaintiffs also request the Court consider their Response to the Motion to Dismiss (#32) and Response to Motion to Expunge (#31), which were filed on in pro person prior to the Court granting Randolph Law Firm's withdrawal. The responses to the above-motions were due on November 10, 2011. On November 9, 2011, Plaintiffs filed their responses and a stipulation to extend the response time to the motions. On November 14, 2011, the Court granted the stipulation. It appears that Plaintiffs were under the impression that they were no longer

1 represented by Randolph Law Firm upon their filing of the instant motion and therefore filed the  
2 responses prior to the response deadline. Considering the circumstances, the Court will accept  
3 Plaintiff's pro per responses filed on November 9, 2011, despite the fact that Plaintiffs were  
4 represented by counsel at the time of filing. Accordingly,

5 **IT IS HEREBY ORDERED** that Randolph Law Firm's Motion to Withdraw as Counsel  
6 (#23) is **granted**.


7 **IT IS FURTHER ORDERED** that **Plaintiffs Thomas and Geri McKinnon** shall have  
8 until **December 15, 2011** to inform the Court whether they will be retaining new counsel or  
9 representing themselves in this matter.

10 **IT IS FURTHER ORDERED** that the Clerk of Court shall add the following last known  
11 address of Plaintiffs to the civil docket:

12 Thomas and Geri McKinnon  
13 6208 Sweetbriar Court  
Las Vegas, NV 89146

14 **IT IS FURTHER ORDERED** that the Clerk of Court shall send a copy of this order to  
15 Plaintiffs at the above address.

16 DATED this 15th day of November, 2011.

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19 GEORGE FOLEY, JR.  
United States Magistrate Judge